

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:18-cv-02791-CRC**

GUARASCIO v. FEDERAL BUREAU OF INVESTIGATION  
OFFICE OF INFORMATION POLICY et al  
Assigned to: Judge Christopher R. Cooper  
Cause: 05:552 Freedom of Information Act

Date Filed: 11/29/2018  
Jury Demand: None  
Nature of Suit: 550 Prisoner Petition: Civil  
Rights (Other)  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**JOSEPH MICHAEL GUARASCIO**

represented by **JOSEPH MICHAEL GUARASCIO**  
R#70537-056  
OAKDALE  
FEDERAL CORRECTIONAL  
INSTITUTION  
Inmate Mail/Parcels  
P.O. BOX 5000  
OAKDALE, LA 71463  
PRO SE

V.

**Defendant**

**FEDERAL BUREAU OF  
INVESTIGATION OFFICE OF  
INFORMATION POLICY**

represented by **Robert Aaron Caplen**  
UNITED STATES ATTORNEY'S  
OFFICE  
555 4th Street, NW  
Washington, DC 20530  
(202) 252-2523  
Email: [robert.caplen@usdoj.gov](mailto:robert.caplen@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**William Mark Nebeker**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
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Email: [mark.nebeker@usdoj.gov](mailto:mark.nebeker@usdoj.gov)  
**TERMINATED: 01/27/2020**

**Defendant**

**U.S. DEPARTMENT OF JUSTICE**

represented by **Robert Aaron Caplen**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**William Mark Nebeker**  
(See above for address)  
**TERMINATED: 01/27/2020**

**Defendant**

**ATTORNEY GENERAL**

represented by **Robert Aaron Caplen**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**William Mark Nebeker**  
(See above for address)  
TERMINATED: 01/27/2020

Date Filed	#	Docket Text
11/29/2018	<u>1</u>	COMPLAINT against ATTORNEY GENERAL, FEDERAL BUREAU OF INVESTIGATION OFFICE OF INFORMATION POLICY, U.S. DEPARTMENT OF JUSTICE ( Filing fee \$ 350, receipt number 4616095703) filed by JOSEPH MICHAEL GUARASCIO. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Appendix, # <u>3</u> Civil Cover Sheet)(ztd) (Entered: 12/03/2018)
11/29/2018		SUMMONS Not Issued as to ATTORNEY GENERAL, FEDERAL BUREAU OF INVESTIGATION OFFICE OF INFORMATION POLICY, U.S. DEPARTMENT OF JUSTICE (ztd). (Entered: 12/03/2018)
04/01/2019	<u>2</u>	NOTICE of Change of Address by JOSEPH MICHAEL GUARASCIO (ztd); ("Leave to file Granted" signed 4/1/19 by Judge Christopher R. Cooper) (Entered: 04/03/2019)
05/10/2019	<u>3</u>	MOTION for Service ("Leave to file Granted" signed 5/10/19 by Judge Christopher R. Cooper) by JOSEPH MICHAEL GUARASCIO (ztd) (Entered: 05/16/2019)
05/16/2019		MINUTE ORDER granting <u>3</u> Plaintiff's motion requesting the marshals service to arrange service of process. Signed by Judge Christopher R. Cooper on 5/16/2019. (lccrc1) (Entered: 05/16/2019)
05/23/2019	<u>4</u>	SUMMONS (4) Issued as to ATTORNEY GENERAL, FEDERAL BUREAU OF INVESTIGATION OFFICE OF INFORMATION POLICY, U.S. DEPARTMENT OF JUSTICE, and U.S. Attorney (zmc) (Entered: 05/24/2019)
07/15/2019	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. ATTORNEY GENERAL served on 7/2/2019; U.S. DEPARTMENT OF JUSTICE served on 7/2/2019, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 07/02/2019. (jf) (Entered: 07/16/2019)
07/19/2019	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/17/2019. Answer due for ALL FEDERAL DEFENDANTS by 8/16/2019. (tth) (Entered: 07/30/2019)
07/31/2019	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF INVESTIGATION OFFICE OF INFORMATION POLICY served on 7/26/2019 (ztd) (Entered: 08/02/2019)
08/14/2019	<u>8</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by ATTORNEY GENERAL, FEDERAL BUREAU OF INVESTIGATION OFFICE OF INFORMATION POLICY, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 08/14/2019)
08/15/2019		MINUTE ORDER granting <u>8</u> Motion for Extension of Time to Answer. Defendants shall respond to the complaint by September 4, 2019. Signed by Judge Christopher R. Cooper on 8/15/2019. (lccrc1) (Entered: 08/15/2019)
08/15/2019		Set/Reset Deadlines: Responses due by 9/4/2019. (znbn) (Entered: 08/15/2019)
09/04/2019	<u>9</u>	ANSWER to <u>1</u> Complaint, by ATTORNEY GENERAL, FEDERAL BUREAU OF INVESTIGATION OFFICE OF INFORMATION POLICY, U.S. DEPARTMENT OF JUSTICE.(Nebeker, William) (Entered: 09/04/2019)
09/18/2019	<u>10</u>	ENTERED IN ERROR. . . .REPLY re <u>9</u> Answer to Complaint filed by JOSEPH MICHAEL GUARASCIO. (ztd) Modified on 9/23/2019 (ztd). (Entered: 09/20/2019)
09/18/2019		NOTICE OF CORRECTED DOCKET ENTRY: re <u>10</u> Reply to Document was entered in error and refiled said pleading in the correct case. (ztd) (Entered: 09/23/2019)
10/11/2019		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties promptly confer and file a joint proposed

		schedule for briefing or disclosure by October 25, 2019. Signed by Judge Christopher R. Cooper on 10/11/19. (lccrc1) (Entered: 10/11/2019)
10/24/2019	<u>11</u>	STATUS REPORT <i>And Proposed Schedule (with proposed order)</i> by ATTORNEY GENERAL, FEDERAL BUREAU OF INVESTIGATION OFFICE OF INFORMATION POLICY, U.S. DEPARTMENT OF JUSTICE. (Nebeker, William) (Entered: 10/24/2019)
10/24/2019	12	PROPOSED BRIEFING SCHEDULE by ATTORNEY GENERAL, FEDERAL BUREAU OF INVESTIGATION OFFICE OF INFORMATION POLICY, U.S. DEPARTMENT OF JUSTICE. (ztd); (See docket entry no. <u>11</u> to view.) (Entered: 10/25/2019)
10/28/2019		MINUTE ORDER: In light of the Defendants' indication that on October 24, 2019, materials were sent to Plaintiff as a result of his Freedom of Information Act request, it is hereby ORDERED that by December 2, 2019 Plaintiff shall file a notice with the Court and serve a copy on counsel for Defendants indicating what, if any, issues Plaintiff believes remain to be addressed in this action. It is FURTHER ORDERED that, if any such issues remain to be addressed, Defendants file a proposed schedule to govern further proceedings by December 9, 2019. Signed by Judge Christopher R. Cooper on 10/28/19. (lccrc1) (Entered: 10/28/2019)
10/28/2019		Set/Reset Deadlines: Status Report due by 12/2/2019 (lsj) (Entered: 10/28/2019)
10/30/2019	<u>13</u>	Letter from Plaintiff (ztd); ("Leave to file Granted" signed 10/30/19 by Judge Christopher R. Cooper) (Entered: 10/30/2019)
11/04/2019	<u>14</u>	RESPONSE re <u>11</u> Status Report, 12 Proposed Briefing Schedule filed by JOSEPH MICHAEL GUARASCIO. (ztd) (Entered: 11/06/2019)
11/18/2019	<u>15</u>	SUPPLEMENTAL MEMORANDUM to re <u>14</u> Response to Document filed by JOSEPH MICHAEL GUARASCIO. (ztd) (Entered: 11/20/2019)
12/12/2019		MINUTE ORDER: Having not received Defendant's proposed briefing schedule as requested by the Court's October 28, 2019 Minute Order, the Court enters the following briefing schedule: Defendant shall file a Motion for Summary Judgment by January 27, 2020; Plaintiff shall file an Opposition/Motion for Summary Judgment by March 12, 2020; Defendant shall file a reply by April 2, 2020; Plaintiff shall file a reply, if necessary, by April 23, 2020.  The Court discerns the objections raised by Plaintiff in his <u>13</u> Response to the Status Report and <u>14</u> Supplemental Memorandum to include: a challenge to Defendant's withholding under FOIA Exemption 7(C) and (D), a challenge to the adequacy of Defendant's search, and a due process challenge. Defendant's Motion for Summary Judgment shall address these issues and any other objections that Defendant discerns. Signed by Judge Christopher R. Cooper on 12/12/19. (lccrc1) (Entered: 12/12/2019)
12/13/2019		Set/Reset Deadlines: Summary Judgment motions due by 1/27/2020. Response to Motion for Summary Judgment due by 3/12/2020. Reply to Motion for Summary Judgment due by 4/2/2020. Replies due by 4/23/2020. (lsj) (Entered: 12/13/2019)
12/23/2019	<u>16</u>	SUPPLEMENTAL MEMORANDUM to <u>15</u> filed by JOSEPH MICHAEL GUARASCIO. (ztd) (Entered: 12/31/2019)
01/27/2020	<u>17</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Robert Aaron Caplen on behalf of ATTORNEY GENERAL, FEDERAL BUREAU OF INVESTIGATION OFFICE OF INFORMATION POLICY, U.S. DEPARTMENT OF JUSTICE Substituting for attorney W. Mark Nebeker (Caplen, Robert) (Entered: 01/27/2020)
01/27/2020	<u>18</u>	MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by ATTORNEY GENERAL, FEDERAL BUREAU OF INVESTIGATION OFFICE OF INFORMATION POLICY, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Caplen, Robert) (Entered: 01/27/2020)
01/27/2020		MINUTE ORDER granting <u>18</u> Motion for Extension of Time: The Court enters the following briefing schedule: Defendant shall file a Motion for Summary Judgment by March 13, 2020; Plaintiff shall file an Opposition/Motion for Summary Judgment by April 24, 2020; Defendant shall file a reply by May 22, 2020; Plaintiff shall file a

		reply, if necessary, by June 12, 2020. Given the delays already experienced in this case, further extension requests will be looked upon with disfavor. Signed by Judge Christopher R. Cooper on 1/27/2020. (lccrc1) (Entered: 01/27/2020)
01/28/2020		Set/Reset Deadlines: Summary Judgment motions due by 3/13/2020. Response to Motion for Summary Judgment due by 4/24/2020. Reply to Motion for Summary Judgment due by 5/22/2020. Replies due by 6/12/2020. (lsj) (Entered: 01/28/2020)
02/11/2020	<u>19</u>	SUPPLEMENTAL MEMORANDUM by JOSEPH MICHAEL GUARASCIO. (ztd) Modified event title on 2/13/2020 (znmw). (Entered: 02/12/2020)
03/10/2020	<u>20</u>	MOTION to Vacate <i>briefing schedule set forth in the Court's January 27, 2020, Minute Order</i> , MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by ATTORNEY GENERAL, FEDERAL BUREAU OF INVESTIGATION OFFICE OF INFORMATION POLICY, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Declaration of David M. Hardy, # <u>2</u> Text of Proposed Order)(Caplen, Robert) (Entered: 03/10/2020)
03/17/2020		MINUTE ORDER granting <u>20</u> Motion to Vacate; granting <u>20</u> Motion for Extension of Time: The briefing schedule set forth in the Court's January 27, 2020 Minute Order is hereby VACATED. Defendants shall complete their coded releases to Plaintiff by July 17, 2020. After reviewing Defendants' coded releases, Plaintiff shall file a status report indicating what issues, if any, remain by August 17, 2020. If any issues remain to be addressed, summary judgment briefing shall proceed according to the following schedule: Defendants shall file their Motion for Summary Judgment by September 18, 2020; Plaintiff shall file his opposition by October 16, 2020; and Defendants shall file their reply by November 6, 2020.  In addition, the Court encourages the Government to consider Plaintiff's request for a fee waiver for the production of digital media (or production by alternative means), <u>see</u> ECF <u>16</u> , as well as his contention that recently released records suggest the existence of other responsive records in the agency's possession, <u>see</u> ECF <u>19</u> . The Court takes no position on either issue. It simply notes that resolving them voluntarily could reduce the number of disputed issues at the summary judgment stage. Signed by Judge Christopher R. Cooper on 3/17/2020. (lccrc1) (Entered: 03/17/2020)
03/18/2020		Set/Reset Deadlines: Status Report due by 8/17/2020. Summary Judgment motions due by 9/18/2020. Response to Motion for Summary Judgment due by 10/16/2020. Reply to Motion for Summary Judgment due by 11/6/2020. (lsj) (Entered: 03/18/2020)
03/19/2020	<u>21</u>	MOTION to Vacate <i>March 17, 2020, Minute Order setting briefing schedule</i> , MOTION to Stay by ATTORNEY GENERAL, FEDERAL BUREAU OF INVESTIGATION OFFICE OF INFORMATION POLICY, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Declaration of Michael G. Seidel, # <u>2</u> Text of Proposed Order)(Caplen, Robert) (Entered: 03/19/2020)
03/22/2020		MINUTE ORDER granting <u>21</u> Motion to Vacate; granting <u>21</u> Motion to Stay: The briefing schedule set forth in the Courts March 17, 2020, Minute Order is VACATED. Proceedings in this case shall be STAYED until further order of this Court. Defendants shall file a status report by April 3, 2020, and continuing every thirty (30) days thereafter, advising the Court about the operation status of the FBI's Record/Information Dissemination Section and, if operations have resumed, proposing a revised schedule for further proceedings. Signed by Judge Christopher R. Cooper on 3/22/20. (lccrc1) (Entered: 03/22/2020)
04/02/2020	<u>22</u>	STATUS REPORT by ATTORNEY GENERAL, FEDERAL BUREAU OF INVESTIGATION OFFICE OF INFORMATION POLICY, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration of Michael G. Seidel)(Caplen, Robert) (Entered: 04/02/2020)
05/04/2020	<u>23</u>	STATUS REPORT by ATTORNEY GENERAL, FEDERAL BUREAU OF INVESTIGATION OFFICE OF INFORMATION POLICY, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration of David M. Hardy)(Caplen, Robert) (Entered: 05/04/2020)
06/03/2020	<u>24</u>	STATUS REPORT by ATTORNEY GENERAL, FEDERAL BUREAU OF INVESTIGATION OFFICE OF INFORMATION POLICY, U.S. DEPARTMENT OF

		JUSTICE. (Caplen, Robert) (Entered: 06/03/2020)
07/02/2020	<u>25</u>	STATUS REPORT by ATTORNEY GENERAL, FEDERAL BUREAU OF INVESTIGATION OFFICE OF INFORMATION POLICY, U.S. DEPARTMENT OF JUSTICE. (Caplen, Robert) (Entered: 07/02/2020)